ಮರಳು ಗಣಿಗಾರಿಕೆ

1287(1915); ಶ್ರೀ ಆರ್. ಜಗದೀಶ್ ಕುಮಾರ್(ಹೆಬ್ಬಾಳ)

ಅ) ರಾಜ್ಯ ಸರ್ಕಾರದ ಮರಳು ನೀತಿ ಮುಖ್ಯಾಂಶಗಳೇನು; (ಪ್ರತಿ ಒದಗಿಸುವುದು)

ಆ) ಜಿಲ್ಲಾ ಮತ್ತು ತಾಲ್ಲೂಕುವಾರು ಕಾಮಗಾರಿಗಳಿಗೆ ಅಗತ್ಯವಿರುವ ಮರಳಿನ ಪ್ರಮಾಣವೆಷ್ಟು;

ಇ) ಹಾಗಿದ್ದಲ್ಲಿ, ಬೇಡಿಕೆಗನುಗುಣವಾಗಿ ಮರಳು ಸರಬರಾಜು ಮಾಡಲು ಸರ್ಕಾರ ತೆಗೆದುಕೊಂಡಿರುವ ಕ್ರಮವೇನು;

ಈ) ನೈಸರ್ಗಿಕ ಮರಳಿನ ಅಲಭ್ಯತೆಯ ಸಮಯದಲ್ಲಿ ಯಾವ ಮೂಲದಿಂದ ಮರಳನ್ನು ಪೂರೈಕೆ ಮಾಡಲಾಗುತ್ತಿದೆ.

ಉ) ಅಂತರ ರಾಜ್ಯಕ್ಕೆ ಮರಳು ಸಾಗಾಣೆ ಮಾಡಲು ಪರವಾನಗಿ ನೀಡಲಾಗಿದೆಯೇ (ವಿವರ ಒದಗಿಸುವುದು)

ಊ) ಅಕ್ರಮ ಮರಳು ಸಾಗಾಣಿಕೆ ನಿಲ್ಲಿಸಲು ಸರ್ಕಾರ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವೇನು?

ಶ್ರೀ ಸಿದ್ದರಾಮಯ್ಯ (ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರು)

ಅ) ಶ್ರೀ. ದೀಪಕ್ ಕುಮಾರ್ ಮತ್ತು ಇತರರು Vs ಹರಿಯಾಣ ರಾಜ್ಯ ಸರ್ಕಾರ ಪ್ರಕರಣದಲ್ಲಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ I.A. ಸಂಖ್ಯೆ: 12–13/2011ರಲ್ಲಿ ದಾಖಲಾದ SLP No–19628–29 ರಲ್ಲಿ ಉಪಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಗಳಿಗೆ ತಿದ್ದುಪಡಿ ತರಲು ಮಾಡೆಲ್ ಗೈಡ್‌ಲೈನ್ಸ್ ರಚಿಸಿ ಎಲ್ಲಾ ರಾಜ್ಯಗಳಿಗೆ ಕಳುಹಿಸುವಂತೆ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಪರಿಸರ ಇಲಾಖೆಗೆ ನಿರ್ದೇಶನವಿತ್ತಿದೆ.

ಈ ನಿರ್ದೇಶನದನ್ವಯ ಕೇಂದ್ರ ಸರ್ಕಾರವು “Model Guidelines for Environment Management of Miniing of Minor Minerals”

ರಚಿಸಿ ಎಲ್ಲಾ ರಾಜ್ಯ ಸರ್ಕಾರಗಳಿಗೆ ಅನುಷ್ಠಾನಕ್ಕೆ ತರಲು ಸೂಚಿಸಿರುತ್ತದೆ. ಈ ಮಾಡಲ್ ಗೈಡ್‌ಲೈನ್ಸ್‌ನಲ್ಲಿರುವ ಅಂಶಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಮರಳು ನಿಯಮಾವಳಿ 2011ಕ್ಕೆ ದಿನಾಂಕ: 16–12–2013ರಲ್ಲಿ ತಿದ್ದುಪಡಿ ನಿಯಮಗಳನ್ನು ಅನುಷ್ಠಾನಕ್ಕೆ ತರಲಾಗಿರುತ್ತದೆ.(ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ)

ಹೊಸ ಮರಳು ನೀತಿಯ ಪ್ರಮುಖಾಂಶಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

1. ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಮಿತಿ ಮತ್ತು ತಾಲ್ಲೂಕು ಉಸ್ತುವಾರಿ ಸಮಿತಿ ರಚನೆಯಾಗಿರುತ್ತದೆ.
2. ತಾಲ್ಲೂಕು ಉಸ್ತುವಾರಿ ಸಮಿತಿವತಿಯಿಂದ ಬ್ಲಾಕ್‌ಗಳನ್ನು ಗುರುತಿಸಲಾಗುತ್ತದೆ.
3. ಗುರುತಿಸಲಾದ ಬ್ಲಾಕ್‌ಗಳಲ್ಲಿ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯಿಂದ ಟೆಂಡರು ಮುಖಾಂತರ ಗಣಿಗಾರಿಕೆ ಮತ್ತು ಸಾಗಾಣಿಕೆ ನಡೆಸಿ ಪರವಾನಗಿ ಮುಖಾಂತರ ಮಾರಾಟ ಮಾಡಲಾಗುತ್ತದೆ.
4. ಮರಳು ಗಣಿಗಾರಿಕೆ ಬ್ಲಾಕುಗಳಿಗೆ Quarrying Plan ಮತ್ತು ಪರಿಸರ ವಿಮೋಚನಾ ಪತ್ರ ಕಡ್ಡಾಯ ಮಾಡಲಾಗಿದೆ.
5. ಅಂತರ ರಾಜ್ಯ ಮರಳು ಸಾಗಾಣಿಕೆಗೆ ನಿರ್ಬಂಧಿಸಲಾಗಿದೆ.
6. ಪಟ್ಟಾ ಜಮೀನುಗಳಲ್ಲಿ ಮರಳು ಸಾಗಾಣಿಕೆಗೆ ನಿರ್ಬಂಧ ವಿಧಿಸಿರುತ್ತದೆ.
7. ಜಿಲ್ಲಾ ಸಮಿತಿಯು ಯಾವುದೇ ಬ್ಲಾಕ್‌ಗಳನ್ನು ರಾಜ್ಯ ಅಥವಾ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಅಥವಾ ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ ಕಾಮಗಾರಿಗಳಿಗೆ ಮೀಸಲಿಡಲು ಅವಕಾಶ ಇರುತ್ತದೆ.
8. ಮರಳು ಸಾಗಾಣಿಕೆಗೆ ಯಾವುದೇ, ಜೆಸಿಬಿ, ಹಿಟಾಚಿ, ಯಾಂತ್ರಿಕೃತ ದೋಣಿ ಬಳಸದೆ ಮರಳು ಗಣಿಗಾರಿಕೆಗೆ ಕ್ರಮವಹಿಸಲಾಗಿದೆ.

9. ಫಿಲ್ಲರ್ ಮರಳು ಗಣಿಗಾರಿಕೆಯನ್ನು ನಿರ್ಬಂಧಿಸಲಾಗಿದೆ.

10. 5 ಹೆಕ್ಟೇರ್‌ಗಿಂತ ಕಡಿಮೆ ಇರುವ ಎಲ್ಲಾ ಖನಿಜಗಳಿಗೂ ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್ ಮತ್ತು ಪರಿಸರ ನಿರ್ವಹಣಾ ಯೋಜನಾ ವರದಿಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ರಾಜ್ಯ ಪರಿಸರ ಇಲಾಖೆಯಿಂದ ಅನುಮೋದನೆ ಪಡೆದು ಅನುಷ್ಠಾನಗೊಳಿಸಿಕೊಳ್ಳಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿದೆ.

11. ಹಾಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಮರಳು ಗಣಿಗಾರಿಕೆ ಬ್ಲಾಕ್‌ಗಳಿಗೂ ಸಹ ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್ ಮತ್ತು ಪರಿಸರ ನಿರ್ವಹಣಾ ಯೋಜನಾ ವರದಿಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ರಾಜ್ಯ ಪರಿಸರ ಇಲಾಖೆಯಿಂದ ಅನುಮೋದನೆ ಪಡೆದು ಅನುಷ್ಠಾನಗೊಳಿಸಿಕೊಳ್ಳಲು 09ತಿಂಗಳ ಕಾಲಾವಕಾಶ ಇರುತ್ತದೆ.

12. ಮಾರಾಟವಾಗುವ ಪ್ರತಿ ಕ್ಯೂಬಿಕ್ ಮೀಟರ್‌ಗೆ 10ರೂ.ಗಳ ಪರಿಸರ ನಿರ್ವಹಣಾ ವೆಚ್ಚವನ್ನು ವಸೂಲು ಮಾಡಿ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ನೇತೃತ್ವದ ಕಾರ್ಪಸ್ ಫಂಡ್ ನಿಧಿಯಲ್ಲಿಟ್ಟು ಮರಳು ಗಣಿಗಾರಿಕೆ ಪ್ರದೇಶದಲ್ಲಿ ಸೂಕ್ತ ಪುನರ್ವಸತಿ ಪುನರುಜ್ಜೀವನ ಕೆಲಸ ಕೈಗೊಳ್ಳಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ.

13. ಕರ್ನಾಟಕ ಉಪ ಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ 1994ರ ನಿಯಮ 25ಕ್ಕೆ ತಿದ್ದುಪಡಿ ಮಾಡಲಾಗಿದ್ದು, ಎಂ–ಸ್ಯಾಂಡ್ ಘಟಕವನ್ನು ಸ್ಥಾಪಿಸುವವರಿಗೆ ಕಲ್ಲು ಗಣಿ ಗುತ್ತಿಗೆ ವಿಸ್ತೀರ್ಣದ ಮಿತಿಯನ್ನು ಪ್ರಸ್ತುತ 25 ಎಕರೆಯಿಂದ 50 ಎಕರೆಗೆ ವಿಸ್ತರಿಸಿದೆ ಮತ್ತು ನಿಯಮ 26ಕ್ಕೆ ತಿದ್ದುಪಡಿ ತಂದು ಗುತ್ತಿಗೆ ಅವಧಿ 5 ವರ್ಷಗಳಿಂದ 20 ವರ್ಷಗಳಿಗೆ ವಿಸ್ತರಿಸಲಾಗಿದೆ.

14. ಪ್ರಸ್ತುತ ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 08–11–2013ರ ಆದೇಶದಂತೆ ಎಂ–ಸ್ಯಾಂಡ್ ಸಾಗಾಣಿಕೆಗೆ ಪರವಾನಿಗೆ ವ್ಯವಸ್ಥೆ ಕಲ್ಪಿಸಲಾಗಿದೆ.

ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯಿಂದ ಹೊರಡಿಸಲಾದ ಸುತ್ತೋಲೆ ದಿನಾಂಕ:31-07-2013 ರಲ್ಲಿ ಎಲ್ಲಾ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಅವಶ್ಯಕತೆಗೆ ಅನುಗುಣವಾಗಿ ಉತ್ಪಾದಿತ ಮರಳನ್ನು ಬಳಸುವುದು ಮುಖ್ಯವಾಗಿ ಗುತ್ತಿಗೆಯ ಒಟ್ಟು ಮೊತ್ತ ಹೆಚ್ಚಿಗೆ ಅಂದರೆ ₹ 10.00 ಕೋಟಿಗಳಿಗೆ ಮೇಲ್ಪಟ್ಟಿರುವ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ಉತ್ಪಾದಿತ ಮರಳನ್ನು ಬಳಸಲು ನಿರ್ದೇಶಿಸಲಾಗಿದೆ. ಗುತ್ತಿಗೆದಾರರು ಉತ್ಪಾದಿತ ಮರಳನ್ನು ತಯಾರಿಸುವ ಘಟಕವನ್ನು ತಾವೇ ಸ್ಥಾಪಿಸಬಹುದು ಅಥವಾ ಉತ್ಪಾದಿತ ಮರಳನ್ನು ತಯಾರಿಸುವ ಖಾಸಗಿ ಘಟಕಗಳೊಂದಿಗೆ ಒಡಂಬಡಿಕೆ ಮಾಡಿಕೊಳ್ಳಬಹುದು ಎನ್ನುವ ಷರತ್ತನ್ನು ಟೆಂಡರ್ ಡಾಕ್ಯುಮೆಂಟ್‌ನಲ್ಲಿ ನಮೂದಿಸಲು ಕ್ರಮ ಜರುಗಿಸಲಾಗುತ್ತಿದೆ.

15. ನಿಯಮ 31Tಪ್ರಕಾರ ಮೀಸಲಾತಿ ನಿಗಧಿಪಡಿಸಿದ್ದು, ಮರಳು ಟೆಂಡರ್‌ನಲ್ಲಿ ಪರಿಶಿಷ್ಟ ಜಾತಿಗೆ ಶೇಕಡ 15 ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡಕ್ಕೆ ಶೇಕಡ 3ರಷ್ಟನ್ನು ಮೀಸಲಿರಿಸಿದೆ. 33 ಮರಳು ಬ್ಲಾಕ್‌ಗಳಿಗೆ ಒಂದು ಆವರ್ತ ಎಂದು ಪರಿಗಣಿಸಿ ಪರಿಶಿಷ್ಟ ಜಾತಿಗೆ ಸಂಖ್ಯೆ: 1, 7, 14, 21 ಮತ್ತು 27ನೇ ಸ್ಥಾನಗಳನ್ನು ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡಕ್ಕೆ ಶೇಕಡ 3ರಷ್ಟನ್ನು ಮೀಸಲಿರಿಸಿದೆ.

ಆ) ಜಿಲ್ಲಾ ಮತ್ತು ತಾಲ್ಲೂಕುವಾರು ಕಾಮಗಾರಿಗಳಿಗೆ ಅಗತ್ಯವಿರುವ ಮರಳನ್ನು ನಿಖರವಾಗಿ ಅಂದಾಜಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ. ಕಾಲಕಾಲಕ್ಕೆ ಕಾಮಗಾರಿಗಳ ಪ್ರಮಾಣಕ್ಕೆ ತಕ್ಕಂತೆ ಬೇಡಿಕೆಯು ನಿರ್ಧರಿಸಲ್ಪಡುತ್ತದೆ.

ರಾಜ್ಯಕ್ಕೆ ವಾರ್ಷಿಕವಾಗಿ ಅಂದಾಜು 23 ದಶಲಕ್ಷ ಮೆಟ್ರಿಕ್ ಟನ್ ಮರಳು ಅವಶ್ಯಕತೆಯಿರುತ್ತದೆ.

ಇ) ದಿನಾಂಕ: 16-12-2013ರ ತಿದ್ದುಪಡಿರನ್ವಯ ರಾಜ್ಯದ ಮರಳು ನಿಕ್ಷೇಪವಿರುವ ಎಲ್ಲಾ

ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಹೊಸ ಮರಳು ಬ್ಲಾಕ್ ಗಳನ್ನು ಗುರುತಿಸಿ ಕ್ವಾರಿಯಿಂಗ್ ಪ್ಲಾನ್ ಮತ್ತು ಪರಿಸರ ನಿರ್ವಹಣಾ ಯೋಜನೆ ಸಿದ್ಧಪಡಿಸಿ ಟೆಂಡರ್ ಪ್ರಕ್ರಿಯೆ ನಡೆಸಿ ಮರಳು ಲಭ್ಯತೆಯನ್ನು ಹೆಚ್ಚಿಸಲು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳವರಿಗೆ ಸೂಕ್ತ ಮಾರ್ಗದರ್ಶನ ಹಾಗೂ ಸೂಚನೆ ನೀಡಲಾಗಿದೆ.

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಜಿಲ್ಲಾ ಸಮಿತಿ ಇದ್ದು, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ಮುಖಾಂತರ ಮರಳು ಗಣಿಗಾರಿಕೆ ಮತ್ತು ಸರಬರಾಜು ಮಾಡುವ ಜವಾಬ್ದಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲು ಕ್ರಮ ಜರುಗಿಸಲಾಗಿದೆ.

ಈ) ಸಾಮಾನ್ಯ ಮರಳು ಲಭ್ಯವಾಗದೆ ಇರುವ ಕಾರಣ ಉತ್ಪಾದಿತ ಮರಳಿಗೆ ಹೆಚ್ಚಿನ ಒತ್ತು ನೀಡುತ್ತಾ, ತಿದ್ದುಪಡಿ ನಿಯಮ–25ರಲ್ಲಿ ಎಂ–ಸ್ಯಾಂಡ್ ಘಟಕವನ್ನು ಸ್ಥಾಪಿಸುವವರಿಗೆ ಕಲ್ಲು ಗಣಿ ಗುತ್ತಿಗೆ ವಿಸ್ತೀರ್ಣದ ಮಿತಿಯನ್ನು ಪ್ರಸ್ತುತ 25 ಎಕರೆಯಿಂದ 50 ಎಕರೆಗೆ ವಿಸ್ತರಿಸಿದೆ ಮತ್ತು ನಿಯಮ 26ಕ್ಕೆ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದು ಕಲ್ಲುಗಣಿ ಗುತ್ತಿಗೆ ಅವಧಿಯನ್ನು 05 ವರ್ಷಗಳಿಂದ 20 ವರ್ಷಗಳಿಗೆ ವಿಸ್ತರಿಸಲಾಗಿದೆ.

ಪ್ರಸ್ತುತ ರಾಜ್ಯದಲ್ಲಿ 7 ಮರಳು ಉತ್ಪಾದನೆ ಘಟಕಗಳಿದ್ದು, ಇವುಗಳಿಂದ ವಾರ್ಷಿಕ ಸರಾಸರಿ ಉತ್ಪಾದನೆ 1.5ದಶಲಕ್ಷ ಮೆಟ್ರಿಕ್ ಟನ್ ಹಾಗೂ ನೈಸರ್ಗಿಕವಾಗಿ ನದಿಪಾತ್ರಗಳಿಂದ 7.5ದಶಲಕ್ಷ ಮೆಟ್ರಿಕ್ ಟನ್ ಒಟ್ಟಾರೆ 9 ದಶಲಕ್ಷ ಮೆಟ್ರಿಕ್ ಟನ್ ಸರಬರಾಜಾಗುತ್ತಿದೆ.

ಉಕ್ಕಿನ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಸಿಗುವ ತ್ಯಾಜ್ಯ ವಸ್ತುವಾದ ಗ್ರೀನ್ ಸ್ಲಾಗ್ (Green Slag)ನ್ನು ಮರಳಿನ ಬದಲು ಬಳಸುವ ಸಾಧ್ಯತೆ ಇದ್ದು, ಇದನ್ನೂ ಸಹ ಮುಂದಿನ ದಿನಗಳಲ್ಲಿ ಪರಿಶೀಲಿಸಿ ಕ್ರಮ ಜರುಗಿಸಲಾಗುತ್ತದೆ.

ಉ) ಅಂತರ ರಾಜ್ಯ ಮರಳು ಸಾಗಾಣಿಕೆಯನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ.

ಊ)

1. ತಿದ್ದುಪಡಿ ನಿಯಮ-31-R(1A)ರಂತೆ ತಾಲ್ಲೂಕು ಮಟ್ಟದಲ್ಲಿ ಸ್ಯಾಂಡ್ ಮಾನಿಟರಿಂಗ್ ಕಮಿಟಿ ಅಸ್ಥಿತ್ವದಲ್ಲಿದ್ದು, ಈ ಸಮಿತಿಯಲ್ಲಿ ಆಯಾ ಉಪವಿಭಾಗಧಿಕಾರಿಗಳು ಅಧ್ಯಕ್ಷರಾಗಿರುತ್ತಾರೆ ಹಾಗೂ ಈ ಸಮಿತಿಯಲ್ಲಿ ಈ ಕೆಳಕಾಣಿಸಿದ ಇಲಾಖಾ ಅಧಿಕಾರಿಗಳು ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿರುತ್ತಾರೆ.

   a. ತಹಶೀಲ್ದಾರರು, ಕಂದಾಯ ಇಲಾಖೆ,

   b. ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಆಫೀಸರ್, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್,

   c. ಅರಕ್ಷಕ ನಿರೀಕ್ಷಕರು, ಪೊಲೀಸ್ ಇಲಾಖೆ,

   d. ಅಸಿಸ್ಟೆಂಟ್ ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ,

   e. ವಲಯ ಅರಣ್ಯಾಧಿಕಾರಿ, ಅರಣ್ಯ ಇಲಾಖೆ,

   f. ತಾಲ್ಲೂಕು ಸಮಾಜ ಕಲ್ಯಾಣಾಧಿಕಾರಿ, ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ

   g. ಸಂಬಂಧಿಸಿದ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು,

   h. ಭೂವಿಜ್ಞಾನಿ, ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ ಇವರು ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳಾಗಿರುತ್ತಾರೆ.

ಈ ಮೇಲ್ಕಾಣಿಸಿದ ಇಲಾಖೆಯ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ ತಿದ್ದುಪಡಿ ನಿಯಮ-31R(1C)Viiರಲ್ಲಿ ಅಕ್ರಮ ಮರಳು ಗಣಿಗಾರಿಕೆ, ಸಾಗಾಣಿಕೆ ಮತ್ತು ದಾಸ್ತಾನು ಹಾಗೂ ಇತರೆ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವವರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ.

2. ಜಿಲ್ಲೆ ಮತ್ತು ತಾಲ್ಲೂಕು ಮಟ್ಟದಲ್ಲಿ ತನಿಖಾ ಠಾಣೆಗಳನ್ನು ಸ್ಥಾಪಿಸಿ ಗೃಹ ರಕ್ಷಕ ದಳ ಸಿಬ್ಬಂದಿ ಹಾಗೂ ಇತರೆ ಸಿಬ್ಬಂದಿಯವರ ಸಹಕಾರದೊಂದಿಗೆ ಚಾಲಿತ ದಳಗಳಿಂದ ಹಗಲು ರಾತ್ರಿ ಪಾಳಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಲಾಗುತ್ತಿದೆ.

3. ಮರಳು ಸಾಗಾಣಿಕಾ ವಾಹನಗಳಿಗೆ ಜಿ.ಪಿ.ಎಸ್/ಆರ್.ಎಫ್.ಐ.ಡಿ ಉಪಕರಣಗಳನ್ನು ಅಳವಡಿಸುವುದನ್ನು ಕಡ್ಡಾಯಗೊಳಿಸಿದೆ.

RNI No. KARBIL/2001/47147

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ -IV-A	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಡಿಸೆಂಬರ್ ೧೬, ೨೦೧೩ (ಮಾರ್ಗಶಿರ ೨೫, ಶಕ ವರ್ಷ ೧೯೩೫)	ಸಂಖ್ಯೆ೧೩೪೫
Part -IV-A	Bangalore, Monday, December 16, 2013 (Margashira 25, Shaka Varsha 1935)	No.1345

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION

No. CI 357 MMN 2012, Bangalore, dated: 16-12-2013

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the Government of Karnataka, hereby makes the following rules further to amend the Karnataka Minor Mineral Concession Rules, 1994, namely:-

RULES

1. Title and commencement - (1) These rules may be called the Karnataka Minor Mineral Concession (Amendment) Rules, 2013.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 2. - In the Karnataka Minor Mineral Concession Rules, 1994, (hereinafter referred to as the said rules),-

(1) In rule (2),-

(i) after the heading "Definitions,-" the figure and bracket "(1)" shall be inserted;

(ii) after clause (a), the following shall be inserted, namely:-

"(a-1)" Approving authority" means the Authority competent to approve,-

(i) in respect of Environment management plan, the Regional Environment Management Committee; or the State Environment Impact Assessment Authority; or the Ministry of Environment and Forest, as the case may be; and

(ii) in respect of quarrying plan, the Director, mines and geology or his authorized officer for specified minor mineral; and Deputy Director/Senior Geologist of the concerned district, for non-specified minor mineral;

(a-2) "Boundary Pillar" means the cemented or solid stone pillar of size 0.6m x 0.6m or more with a regular dimensions creating clear visibility having one meter height and 0.5 meter foundation painted with the yellow paint and marked with lease / license number, GPS co-ordinates and pillar number in black paint;

(a-3) "Bulk Quantity" means the wholesome quantity of mineral, which is intended for transportation under Computerized Mineral Dispatch Permit (CMDP);

(a-4) "Cluster" means the geographical boundary declared by the Director mines and geology in respect of specified minor mineral and Deputy Director/Senior Geologist of concerned district in respect of non-specified minor mineral for quarrying areas which already exists or to be granted in future;

(a-5) "Cluster association" means the association formed by holder of quarry lease/quarry license/working permission/sand quarry permission falling in the cluster for collective implementation of Environment management Plan (EMP);

(a-6) "Co-operative Societies" means the co-operative societies registered under the Karnataka Co-operative Societies Act, 1959;"

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(iii) after clause (d), the following shall be inserted namely:-

"(d-1) "Environment" and "Environmental Pollution" shall have the same meanings as assigned to them in the Environment (Protection) Act, 1986(Central Act No.29 of 1986);

(d-2) "Environment Management Plan (EMP)" means a plan prepared by an individual or a cluster association through recognized qualified person. In respect of ordinary sand, Environment management Plan (EMP) shall be prepared by Deputy Director/Senior Geologist of concerned district on behalf of District Sand Monitoring Committee through recognised qualified person;

(d-3) "Environment Management Fee" means a fee which is separately collected for sand and credited into the account of "corpus fund" of concerned District Sand Monitoring Committee and utilized for reclamation, rehabilitation and implementation of Environment Management Plan and for any other works specified by Government from time to time;

(d-4) "Filler sand" means an imitative sand material, which is processed by removal of silt and clay components from the soil;

(d-5) "Financial assurance" means the sureties furnished by the holder of quarrying lease/ quarry license / working permission to the competent authority concerned so as to indemnify the authorities against the reclamation and rehabilitation cost and in the manner as specified by the government from time to time;

(d-6) "Final mine closure plan" means a plan for the purpose of post-closure measures of a decommissioned quarry, cluster or part thereof after cessation of quarrying operations;

(d-7) "ILMS" means Integrated Lease Management System adopted in the department for e administration and management.

(iv) after clause (e), the following shall be inserted, namely:-

"(e-1) "Mine Closure" means steps taken in accordance with progressive mine closure plan or final mine closure plan for reclamation, rehabilitation measures in respect of a quarry / cluster or part thereof to restore physical, chemical and biological quality disturbed by the quarrying;

(e-2) "Mineral Despatch Release Order" (MDRO) means, an order issued by the competent authority for a specified bulk quantity of mineral to be transported after collecting Royalty;

(e-3) "MoEF" means The Ministry of Environment and Forest, Government of India."

(v) for clause (h), the following shall be substituted, namely:-

"(h) "Permit" means a Computerized Mineral Dispatch Permit (CMDP) generated in electronic form either using internet or mobile technology in Special Security Permit Paper (SSPP);

(h-1) "Progressive mine closure plan" means a component of quarry plan submitted by the lessee/licensee/working permission holder or by the cluster association, which includes series of activities, proposals of scientific quarrying;"

(vi) after clause (k), the following shall be inserted, namely:-

"(k-1) "Quarrying Plan" means a plan comprising adoption of proper mining methods and optimum utilization of minerals prepared by all lessees /licensees/working permission holders through the recognized qualified person (RQP) and includes simplified quarrying plan required to be submitted for having an area less than the extent stipulated;

(k-2) "Quarrying" or "Mining" means the excavation of minor minerals sheltered;

(k-3) "Recognized qualified person (RQP)" means in respect of preparation of quarrying plan, a person to whom recognition is granted for this purpose, by the Director, Mines and Geology or officer authorized by him; or a person recognized under rule 22C of the Mineral Concession Rules, 1960 and in respect of preparation of Environment management Plan, a person or agency accredited by National Accreditation Board for Education and training(NABET) or Quality Control of India (QCI);

(k-4) "Regional Environment Management Committee" means committee constituted under rule 8S for approving Environment Management Plan of all the mining activities/projects of minor minerals having an area of which are not falling within the jurisdiction of SEIAA or MoEF;

(k-5) "River bank" means the High Flood Level (HFL) of a river."

(vii) after clause (m), the following shall be inserted, namely:-

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"(m-1) "Scheduled castes/Scheduled tribes" means the scheduled castes and scheduled tribes as specified in the constitution (scheduled castes and scheduled tribes) order 1950;

(m-2) "SEIAA" means State Environmental Impact Assessment Authority constituted by MoEF for approving Environment management plan of all mining activities/projects having concession area less than fifty hectares or as specified from Central Government from time to time.

(m-3) "Simplified Quarrying plan" means a quarrying plan prepared by the Recognized Qualified Person for the quarrying area having less than stipulated extent in schedule IIA and in accordance with guidelines and format issued by Indian Bureau of Mines;

(m-4) "SC/ST Co-Operative societies" means societies comprising not less than seventy five percent of its members belonging to the scheduled castes or scheduled tribes for claiming reservations under these rules;

(m-5) "SSPP" means Special Security Permit Paper issued by the competent authority for generating a computerized mineral dispatch permit in electronic forum;

(m-7) "Tenderer" means the successful bidder who has entered into an agreement with public works department for quarrying, transportation, storage and disposal and other operations of sand;"

(2) after sub-rule (1), the following shall be inserted, namely:-

"(2) words and expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the Act and the Mineral Concession Rules, 1960 or in any other law for the time being in force."

3. Amendment of rule 6. - In rule 6 of the said rules, after sub rule (1), the following shall be inserted, namely:-

"(1-A) To support systematic and scientific quarrying, the competent authority shall allow the quarrying of small and isolated leases/licences, spread out in the area having individual extent less than stipulated area specified in schedule IIA under a cluster to conserve the Mineral resources by safeguarding environmental protection and a collective implementation of Environment Management plan approved by the approving authority;

Provided that such declared clusters shall be named after the village of the area for administrative convenience."

4. Amendment of rule 8. - In rule 8 of the said rules, -

(a) after sub-rule (1), the following shall be inserted, namely:-

"(1A) No quarry lease/license/working permission shall be granted or renewed,-

(i) in contravention of environment impact assessment notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time;

(ii) without approved quarry plan or simplified quarrying plan; and

(iii) without obtaining environmental clearance from concerned authorities;"

(b) for sub-rule (5) and (6), the following shall be substituted, namely:-

"(5) The Competent Authority shall before granting or renewing a lease, license, working permission, consult,-

(i) in case of specified minor minerals, the Deputy Commissioner of the district concerned and obtain No Objection Certificate:

(ii) in the case of non-specified minor minerals, the Tahsildar of the Taluk concerned and obtain No Objection Certificate.

(iii) in case of all minor minerals, the Deputy Conservator of Forest of the concerned Jurisdiction and obtain No Objection Certificate.

(iv) in case of all minor minerals in Gomal/gayarana/hullubani kharab etc type of lands, the Assistant Commissioner of revenue department and Deputy Director/Senior Geologist concerned, who shall furnish a joint inspection report through Deputy Commissioner in accordance with circular No RD 72 LGP 98 dated 24-2-1999.

(v) in case of all minor minerals, jurisdictional Mines and Geology officer and obtain technical report along with sketch duly mentioning GPS Co-ordinates; and shall take action in accordance with chapter III, in respect of specified minor mineral and in accordance with chapter IV and V, in respect of non-specified minor mineral as the case may be.

(6) If the Deputy Commissioner or the Tahsildhar or the Deputy Conservator of Forest or the Assistant Commissioner or the Deputy Director/Senior Geologist as the case may be, fails to give No Objection Certificate under sub-rule (5), within ninety days, the same shall be placed invariably before the District Taskforce (Mines) Committee in its monthly meetings by the competent authority. The opinion from concerned departmental officers shall be obtained in the meeting and recorded in the proceedings of the meeting and be disposed off accordingly.

(7) the grant or renewal of lease/license/working permissions shall be subject to such other conditions, if any as specified by the competent authority from time to time."

5. Insertion of New Chapter-IIA. - After Chapter-II of the said rules, the following shall be inserted namely:-

"CHAPTER - IIA

Systematic, Scientific Mining and Protection of Environment

8C. Quarrying Plan be a pre-requisite to the grant of quarrying lease, quarry license, working permission and sand quarrying.- No quarrying lease/license/working permission/Sand tender shall be granted or renewed by the Competent authority unless there is a quarrying plan/simplified quarrying plan duly approved by the approving authority for the development of the minor minerals deposit:

8D. Quarrying Plan to be prepared by a Recognized Qualified Person.- (1) no quarrying plan or simplified quarrying plan shall be approved by the approving authority unless it is prepared by a recognized qualified person.:

(2) no person shall be recognized for preparation of Quarrying plan or simplified quarrying plan unless he has,-

(a) a degree in Mining Engineering or a post-graduate degree in Geology granted by a University including any institutions recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification granted by any University or institution outside India and have a professional experience of two years of working in a supervisory capacity in a recognized mine & quarry after obtaining a degree; or

(b) three years full time diploma certificate in Mining Engineering awarded by the State Technical Education Boards and have a professional experience of five years of working in a supervisory capacity in a recognized mine & quarry after obtaining diploma.

(3) The recognized qualified person shall also be competent to carry out modification of the quarrying plan / simplified quarrying plan.

8E. Grant of recognition by the State Government.-(1) any person possessing the qualifications and experience specified in sub rule (2) of rule 8D may apply along with a non-refundable fee of Rs.10,000/-, for recognition to the Director, mines and Geology (hereinafter referred to as director) or any officer authorized by the Director in this behalf.

(2) The Director or any officer authorized by the Director in this behalf, after making such enquiry as it deems fit, may grant or refuse to grant recognition. Where recognition is refused, the authority shall record reasons of refusal in writing and communicate the same to the applicant.

(3) The recognition shall be granted for an initial period of five years and may be renewed for further period not exceeding five years at a time. The Director or any officer authorized by the Director in this behalf may refuse to renew recognition for reasons to be recorded in writing after giving an opportunity of hearing to the person concerned.

8F. Submission and approval of Quarrying plan / simplified Quarrying Plan.-

(1) on receipt of the recommendations from government in respect of specified minor mineral and from district task force committee in respect of non-specified minor mineral as the case may be for grant of quarrying lease/ quarry license/ working permission, the competent authority shall take decision to grant precise area and communicate such decision to the applicant and on receipt of such communication of the precise area to be granted, the applicant shall submit to the competent authority a quarrying plan / simplified quarrying plan, as the case may be, along with a non-refundable fee of Rs. 2,000/- within a period of three months from the date on which such communication is received or such other period as may be allowed by the competent authority for approval.

(2) The quarrying plan / simplified quarrying plan shall include:-

(I) (a) the plan of the precise area showing the nature and extent of the mineral deposit.

(b) spot or spots where the excavation is to be done in the first year plan and its extent.

(c) a detailed cross-section and detailed plan of spots of excavation.

(d) a tentative scheme of quarrying for the second five year plan of the lease / license/ working permission;

(ii) details of the geology and lithology of the precise area including mineral reserves of the area;

(iii) the extent of manual quarrying or quarrying by the use of machinery and mechanical devices on the precise area other than sand quarrying;

(iv) the plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of quarrying activity on forest, land surface and environment including air and water pollution; details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures under Mine Closure Plan - progressive and Final Mine Closure Plan or as be directed by the government from time to time;

(v) annual program and plan for excavation on the precise area from year to year for five years; and in case of sand, for two years;

(vi) any other matter which the approving authority or Regional Environment Management Committee may require the applicant to provide in the quarrying plan / simplified quarrying scheme.

8G. **Modifications of approved quarrying Plan/simplified quarrying plan:-**

(1) A successful sand bidder or a holder of a quarrying lease or quarry license or working permission if intends modifications in the approved quarrying plan or simplified quarrying plan as are considered, shall apply along with a non-refundable fee of Rs. 1,000/- to the competent authority, setting forth the intended modifications and explaining the reasons for the same.

(2) the competent authority may also require the successful sand bidder or holder of a quarrying lease or quarry license or working permission to make such modifications in the quarrying plan or simplified quarrying plan referred to in rule 8C or impose such conditions as it may consider necessary by an order in writing if such modifications or imposition of condition are considered necessary in the light of the experience of operation of quarrying plan or simplified quarrying plan or in view of the change in the technological development.

(3) the competent authority may approve the modifications under sub-rule (1) or approve with such alterations as it may consider expedient.

8H. Mine Closure Plan.- every quarry shall have Mine Closure Plan which shall be of two types- a) Progressive Mine Closure Plan and b) Final Mine Closure Plan.

(1) Submission of Progressive Mine Closure Plan:-(a) the lessee/ licensee/working permission holder shall, in case of fresh grant or renewal of quarry lease /licence/working permission, submit a progressive mine closure plan as a component of quarrying plan to the competent authority as the case may be.

(b) the lessee/licensee/working permission holder shall, in case of existing quarry lease /licence/working permission, submit a progressive mine closure plan to the competent authority, as the case may be, for approval within a period of one year from the date of commencement of the Karnataka minor mineral concession (amendments) rule, 2013.

(c) the lessee/licensee/working permission holder shall review the progressive mine closure plan every five years from the date of its approval in case of existing quarry or from the date of opening of the quarry in case of fresh grant or from the date of renewal of quarry lease /licence/working permission, as the case may be, and shall submit to the competent authority, for its approval.

(d) the competent authority, as the case may be, shall convey his approval or refusal of the progressive mine closure plan within one hundred and twenty days of the date of its receipt.

(e) if approval or refusal of the progressive mine closure plan is not conveyed to the lessee/licensee/working permission holder of the quarry lease /licence/working permission within the period as specified in clause (d), the progressive mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

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2) Submission of Final Mine Closure Plan:-(a) the lessee/licensee/working permission holder shall submit a final mine closure plan to the competent authority, as the case may be, for approval one year prior to the proposed closure of the quarry.

(b) the competent authority, as the case may be, shall convey his approval or refusal of the final mine closure plan within one hundred and twenty days of the date of its receipt to the licence/lease holder or his qualified person.

(c) if approval or refusal of the final mine closure plan is not conveyed to the license/lease holder or his qualified person within the period as specified in clause (b), the final mine closure plan shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

8I. Quarrying plan or simplified quarrying Plan to be submitted by the existing lessee / licensee / permission holder / sand tenderer.- (1) where mining operations for minor minerals have been undertaken before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013 without an approved quarrying plan/simplified quarrying plan, the holder of such quarrying lease / quarry licence / working permission / sand tender shall submit a quarrying plan/simplified quarrying plan, as the case may be along with a non refundable fee of Rs. 2,000/- within a period of six months from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013, to the competent authority for its approval;

(2) if a holder of a lease / license / working permission / sand tender has not been able to submit the quarrying plan or simplified quarrying plan within the specified time for reasons beyond his control, he may apply to the competent authority for extension of time stating the reasons of delay;

(3) the competent authority on receiving an application made under sub-rule (2) may on being satisfied, may extend the period not exceeding three months for submission of the quarrying plan or simplified quarrying plan;

(4) the competent authority may approve the quarrying plan or simplified quarrying plan submitted by the lessee / licensee / permission holder / sand tenderer, or may require modifications to be carried out in the quarrying plan and the lessee / licensee / permission holder / sand tenderer shall carry out such modifications and resubmit the modified quarrying plan to the competent authority for its approval.

(5) the competent authority shall within a period of sixty days from the date of receipt of the quarrying plan or simplified quarrying plan or their modified plans, convey his approval or disapproval to the applicant. In case of disapproval, the competent authority shall convey in writing the reasons for disapproving the said quarrying plan or simplified quarrying plan or their modified plans.

(6) The quarrying plan or simplified quarrying plan or their modified plans submitted under sub-rule (1) and (4) shall be prepared by a recognized qualified person.

8J. Review of Quarrying plan or simplified Quarrying Plan.-(1) every quarrying plan or simplified Quarrying plan duly approved shall be valid for the entire duration of the lease, license or working permissions;

(2) the qualified person of every quarry shall review the quarrying plan / simplified quarrying plan as referred to in sub-rule (1) and submit a scheme of quarrying for the next five years of the lease / license / working permission to the competent authority for approval;

(3) every scheme of quarrying submitted under sub-rule (2) shall be prepared by a recognized qualified person;

(4) the scheme of quarrying shall be submitted to the competent authority at least 120 days before the expiry of the five years period, for which it was approved on the last occasion. However in case of sand at least ninety days before the expiry of the two years period.

Provided that the quarrying operations by the lessee / licensee / working permission holder/sand tenderer shall not be carried out or allowed to be carried out till the approval of scheme of quarrying, if the same is not submitted for approval within aforesaid time:

(5) the competent authority shall convey his approval or refusal to the scheme of quarrying within ninety days from the date of its receipt;

(6) if approval or refusal of the scheme of quarrying is not conveyed to the holder of the lease / license / working permission within the stipulated period, the scheme of

quarrying shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

8K. **Quarrying operations to be in accordance with quarrying plan / simplified quarrying Plan.-** (1) every holder of a lease / license / working permission/sand tender shall carry out quarrying operations in accordance with the approved quarrying plan / simplified quarrying plan with such conditions, as may have been imposed under sub-rule (2) of rule 8G or with such modifications, if any, as approved under sub-rule (3) of rule 8G or in accordance with the quarrying plan / simplified quarrying plan or the scheme of quarrying submitted or approved under rules 8C or 8I or 8J, as the case may be.

(2) If the quarrying operations are not carried out in accordance with the quarrying plan / simplified quarrying plan as referred to under sub-rule (1), Deputy Director/ Senior Geologist concerned may pass an order for suspension of all or any of the quarrying operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarry as envisaged under the said quarrying plan / simplified quarrying plan.

8L. **Financial assurance.-** (1) Financial Assurance has to be furnished by every quarrying lease / quarry license / working permission holder. The amount of financial assurance shall be as follows, namely:-

(i)	For specified minor mineral quarry lease/ license/ working permission.	Rupees ten thousand per acre or part thereof area used in quarrying and allied activities within the lease and outside.
(ii)	In case of non-specified minor mineral quarry lease/ licenses.	Rupees five thousand per acre or part thereof.

(2) the financial assurance shall be submitted in the form of fixed deposit receipt from any Scheduled Bank, which shall have validity of more than six months after the date of expiry of lease / license or as specified by the Government from time to time.

(3) before issue of sanction, the lessee / licensee / working permission holder shall have to submit the financial assurance to jurisdictional Deputy Director/Senior Geologist.

In case of existing quarrying lease / quarry licence / working permission, the lessee / licensee / permission holder shall submit the financial assurance within one year in four equal instalments from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2013.

(4) release of financial assurance shall be effective on the application given by the lessee / licensee / working permission holder for the satisfactory compliance of the provisions contained in the mine closure plan and certified by the Deputy Director / Senior Geologist concerned:

Provided that the financial assurance shall be released by the order of Joint Director concerned.

(5) If the Deputy Director / Senior Geologist concerned;

(i) has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan in respect of which financial assurance was given has not been carried out in accordance with the mine closure plan, either fully or partially;

(ii) is of the opinion that closure plan cannot be implemented as approved, shall give the lessee /licensee / permission holder a written notice of his intention to issue the orders for forfeiting the amount of financial assurance along with interest accrued thereon at least thirty days prior to the date of the order to be issued.

(6) within thirty days of the receipt of notice referred to in sub-rule (5), if no satisfactory reply has been received in writing from the lessee / licensee / working permission holder, the Deputy Director / Senior Geologist concerned shall pass an order for forfeiting the financial assurance amount along with the interest accrued thereon.

(7) after the issue of order referred to in sub-rule (6), the Deputy Director / Senior Geologist concerned may realize the amount of financial assurance together with the interest accrued thereon for the purpose of performance of protective, reclamation, rehabilitation measures and shall carry out those measures.

8M. **System of working.-** (1) system of working in quarry lease / quarry licence / working permissions, quarries in sheet rock shall be performed by formation of benches as per Metalliferous

Mines Regulations, 1961 and in case of sand quarrying it shall be performed as per the approved quarrying Plan / scheme of quarrying.

(2) such benches in minor minerals and overburden including weathered minor minerals shall be formed separately and the benches in overburden shall be kept sufficiently in advance so that their working does not interfere with the working of minor minerals and inter-mixing of minor minerals with overburden may be avoided;

(3) the depth of quarrying operations of minor minerals shall be as per the approved quarrying plan /scheme of quarrying. Any operations in deviation of the approved quarry plan/scheme of quarrying shall be carried out with the due permission of Director General of Mines Safety;

(4) In the cluster quarrying approach, boundary workings between two leases shall be with the due permission of the Director General of Mines Safety.

(5) In order to ensure optimum production with minimum waste generation, every lease / license / permission holder shall endeavour to deploy machinery and equipment as per quarrying plan / simplified quarrying plan.

8H. Separate stacking of non-saleable mineral.-

(1) the non-saleable mineral rejects at quarry bottom shall regularly be collected and transported to the surface and the quarry or mine floor kept reasonably clear of debris. However in case of sand quarrying, mineral rejects like shingle, pebbles at river bed shall regularly be collected and stored within the tendered area for utilization in reclamation measures and strengthening of river banks also.

(2) such non-saleable minor minerals suitable for possible use by small scale industries sector shall be properly recovered.

(3) small lumps of mineral shall, as far as possible, be segregated from the dumps and stored separately for future use.

(4) the ground selected for dumping of top soil, overburden, waste material or non-saleable mineral shall be away from workings of quarry as specified in approved quarry plan.

(5) before starting quarrying operations, conceptual ultimate limits of the quarry shall be determined and dumping ground shall be so selected that dumping is not carried out within the limits of the ultimate size of the quarry except where simultaneous back filling is proposed.

8O. Employment of qualified persons.-(1) for the purpose of carrying out quarrying operations in accordance with these rules, every holder of a quarrying lease / quarry license / working permission / sand tender holder shall employ:-

(a) a whole-time Mining Engineer or a person possessing IInd Class Mine Manager's Certificate of Competency issued by Director General of Mines Safety, where quarrying operations are carried out by deployment of heavy quarrying machinery for deep hole drilling, excavation, loading and transport, or where the average employment exceeds one hundred per day or in case area of quarrying lease / quarry license / working permission / sand tendered area is 50 acres or more or the clusters of quarrying leases with a collective area of 50 acres within a radius of 5 kilometers;

(b) in case of any other quarry, a person having diploma in mining with two years experience in mining operations or a person possessing foreman's certificate of competency issued by the Director General of Mines Safety or Geologist;

(c) in case where area of lease / license / working permission / sand tendered is less than stipulated minimum extent and quarrying is carried out only by manual means the person having qualification mentioned in clause (a) or (b) can work for a maximum of fifteen leases/ quarry licenses / working permission / sand blocks if all such quarries are located within a radius of 10 kilometers:

Provided that if any doubt arises about the lease / license / working permission falling under clause (a), (b) or (c) above, it shall be referred to an officer authorized by the Government in this regard for decision.

Explanation: The expression 'average employment' means the average per day of the total employment of the quarry during the preceding quarter (obtained by dividing the number of man-days worked by the number of working days).

(2) If the holder of a Quarrying lease / quarry license / working permission / sand tender possesses qualification as mentioned in sub-rule (1), he may appoint himself as the qualified person for the purpose.

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(3) A Mining Engineer or Geologist employed by the lessee / licensee / working permission / sand tender holder shall possess the qualifications specified below:-

(a) Geologist: A postgraduate degree in Geology granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification;

(b) Mining Engineer: A degree in Mining Engineering granted by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, including any institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or any equivalent qualification;

(c) Diploma in Mining Engineering: 3 years full time diploma certificate in Mining Engineering awarded by the State Technical Education Boards;

(4) The lessee / licensee / working permission holder shall intimate to the Deputy Director / Senior Geologist, the details of qualified person employed by him together with consent of such person. However sand tender holder shall intimate to the concerned Executive Engineer, PWD and Deputy Director / Senior Geologist.

(5) Where due to reduction in average employment in the quarry, any change required, it can be done only with previous permission in writing to the officer authorized by the Government in this regard and subject to such conditions as he may specify.

8P. Duties of qualified person.-(1) It shall be the duty of the qualified person employed as per rule 8O to take all necessary steps to plan and conduct quarrying operations, so as to ensure conservation of minerals, systematic development of the mineral deposits and protection of environment in and around the quarry lease / quarry license / working permission / sand tender area in accordance with these rules.

(2) He shall be responsible for the preparation and maintenance of plans, sections, reports and schemes in accordance with these rules.

(3) He shall be responsible for carrying out the study of the associated rocks and minerals, identifying them and stacking the various minerals produced separately.

(4) He shall carry out all such orders and directions as may be given in writing under these rules by any authorized officer and shall forward a copy of such orders or directions to the holder of quarry lease /quarry license /working permission/ sand tenderer.

(5) He shall ensure that there is sufficient provision of proper materials, appliances and facilities at all times at quarry lease / quarry license / working permission / sand tender for the purpose of carrying out the provisions of these rules and orders issued thereunder and where he is not the owner or agent of the quarry lease / quarry license / working permission / sand tender, he shall make requisition in writing to the owner or agent for anything required for the aforesaid purpose. A copy of every such requisition shall be recorded in bound paged book kept for the purpose.

(6) On receipt of a requisition under sub-rule (5), the owner or agent shall provide as soon as possible the materials and facilities requisitioned by the qualified person.

8Q. Environmental Management Plan for individual or clusters of leases / licenses / working permission/sand tender areas.-

Every holder of lease / license / working permission shall prepare an Environment Management Plan through recognized qualified person and submit to the Regional Environment Management Committee/State Environment Impact Assessment Authority/Ministry of Environment and Forest as the case may be for approval and the lessees / licensees / permission holders of a cluster shall submit a collective Environment Management Plan through cluster association within a period of three months of formation of cluster association.

Provided that the existing holder of lease/license/working permission having an area less than stipulated shall form the cluster association and submit collective EMP within one year from the commencement of these rules.

However in case of sand, the Environment Management Plan shall be prepared through recognized qualified person and submitted to the Regional Environment Management Committee/ SEIAA/MoEF as the case may be for approval by Deputy Director / Senior Geologist concerned.

Provided, that in respect of plans within its purview, the Regional Environment Management Committee may extend the above period up to a further period of six months by recording the reasons.

8R. Cluster Association.-

(1) Lessee / licensee / working permission holders having their individual quarrying area of less than stipulated extent and falling in a cluster shall form an association within a

period of three months from the date of declaration of cluster as per (a-4) of rule 2, for the collective implementation of approved Environment Management Plan.

(2) All the lessee / licensee / permission holders shall be members of the concerned association and if any lessee / licensee / working permission holder does not want to be a member of such association, in such case he shall not be allowed to work in the area:

(3) Cluster association shall be registered under the provisions of relevant Law.

Provided that the lessee/ licensee/working permission holders of more than one cluster may form a common association, however Environment Management Plan (EMP) for each cluster is separate and distinct.

8S. The Regional Environment Management Committee.-

The Regional Environment Management Committee to approve the Environment Management Plan of all the mining activities/projects which are not falling within the jurisdiction of SEIAA or MoEF as the case may be shall consist of the following members, namely:-

(i) The Regional Commissioner of concerned revenue region - Chairman.

(ii) Chief Conservator of Forest, (territory) - Member

(iii) Chief Conservator of Forest, (wild life) - Member

(iv) Joint Director, Department of Mines and Geology-Member.

(v) Environment Officer of all concerned district, KSPCB- members

(vi) Regional Environment Officer of the headquarter district, Karnataka State Pollution Control Board - Member Secretary.

8T. Implementation of Environment Management Plan in a cluster.-

Cluster association formed under rule 8R shall be responsible for collective implementation of Environment Management Plan (EMP) and in case EMP is not implemented, quarrying operation of all lessees / licencees / working permission holders in the cluster shall be stopped by the Deputy Director / Senior Geologist with the approval of District Taskforce Committee after giving a thirty days notice to the association. Such notice shall be published in two local news papers at least fifteen days before the intended date of stoppage of quarrying activities. Quarrying operations, so stopped, shall be allowed to resume only after the EMP is implemented.

8U. Environmental Safeguard measures to be implemented by individual lessee/ licensee / working permission holder other than Sand.-(1) Every holder of quarrying lease, quarry license or permission holder shall,-

(a) ensure that no natural watercourse and / or water resources are obstructed due to any Quarrying operation, adequate measures are taken for protection of the older-streams, if any, emanating / passing through the quarrying lease, quarry license or working permission area during the course of quarrying operation:

(b) keep quarry workings restricted to above ground water level till approval of Central Ground Water Board / State Ground Water Department is obtained;

(c) temporarily store the top soil, at the place earmarked in EMP / quarry plan/ scheme;

(d) dump over burden (OB) generated during the quarrying operations at earmarked dump sites in environment management plan / quarry plan / scheme;

(e) take effective safeguard measures, such as regular water sprinkling in critical areas prone to air pollution and having high levels of particulate matter such as around crushing and screening plant, loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It shall be ensured that the Ambient Air Quality parameters conforming to the norms prescribed by the State Pollution Control Board is maintained throughout;

(f) practice, controlled blasting and implement mitigative measures for control of ground vibrations and to arrest fly rocks and boulders. Blasting shall be done only by a person holding of blaster certificate and permission from Director General of Mines Safety or any authorized person thereof. Deep hole blasting shall be carried out only after approval of Director General of Mines Safety;

(g) take all mitigative measures during the quarrying operation to ensure that the buildings / structures in the nearby areas shall not be affected due to blasting;

(h) use drills either operated with dust extractors or equipped with water injection system;

(i) ensure that personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety, environment and health aspects;

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(j) undertake to ensure minimum losses to the agriculture crops and undertake to contribute suitably for compensation to the loss / damage to the crops as fixed in consultation with related departments;

(k) keep vehicular emissions under control and regularly monitor the same. Measures shall be taken for maintenance of vehicles used in quarrying operations and in transportation of mineral. The vehicles shall not be overloaded;

(l) take measures for control of noise levels below 85 dBA in the work environment.

8V. Environmental Protection measures in River Sand Quarrying:- (1) For ensuring safety of river beds/its structure/adjoining areas during river sand quarrying, the following measures be taken:

(a) maintain at least a un-mined block of fifty meters after every block of 1000 meters where mining is undertaken or proportionate;

(b) no quarrying shall be permitted in a river-bed up to a distance of five times of the span of a bridge on Up-stream and ten times the span of such bridge on down-stream of the river, subject to a minimum of 250 meters on the Up-stream side and 500 meters on the downstream side.

(c) the areas which are located adjoining to the village or traditionally used by the villagers shall be left and declared as No Sand Mining area by limiting to 250 meters length or as decided by taluk committee.

(d) sand quarrying shall be restricted to the central 3/4th width of the River at the centre by leaving a 1/8th margin of the river width from the river bank all along the river length of the block as Buffer zone.

(e) no vehicles for loading of sand, machineries other than used for loading shall be allowed within ten meters from the border of the river bank to ensure the river bank protection.

(f) suitable indigenous plant species like Bellary jaaly or any other variety shall be planted on specified stretch of the river banks to prevent river ingression and also to maintain river bank stability.

(g) along with the Royalty, Environment Management Fee per cubic meter at the rate specified by the Government from time to time shall be collected and the same shall be credited to "Corpus fund" and shall be utilized for rehabilitation and reclamation activities.

(h) the production quantity shall be based on the approved quarry plan.

(i) access routes, if they are not beneficial to the local community would need to be ploughed and re-planted with native species; and

(j) close and restore river bank where access ramps have been resorted, ensure river approach channel is not obstructed and that repaired bank is restored to normalcy.

(k) any violations observed shall be brought to the notice of District Monitoring Committee along with a mahajar/ Joint Inspection report by the member of district monitoring committee by temporarily suspending the work by an order and be placed to further decision by District Monitoring Committee in the matter.

(l) further the District Monitoring Committee shall review by giving an opportunity to the successful bidder and pass an order to resume the sand quarrying by allowing him either to rectify the mistakes or by compensating the damages.

(m) the District Monitoring Committee upon hearing and based on reports, may direct the concerned to restore or cancel or direct initiation of legal proceedings if any.

(2) The conditions in rule 8V and rule 8U shall be enforced inter-alia, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and also any other orders passed by the Hon'ble Supreme Court of India / High Court of Karnataka and any Court of Law relating to the subject matter.

(3) Failure to comply with any of the conditions mentioned in rule 8U may result in cancellation of lease / license / working permission after giving thirty days notice to the lessee / licensee / permission holder for compliance.

(4) Quarry working shall be done strictly as per the conditions of approved quarrying plan /simplified quarrying plan / scheme of quarrying, as the case may be."

8W. Issues to be included in the Environment Management Plan.- The following shall be included in the Environment Management Plan, namely:-

(i) Details regarding removal and utilization of top soil.-

(a) The top soil and murram collected during quarrying operations shall be stored systematically at an approved site without allowing its runoff; and

(b) Top soil so stacked shall be utilized for plantation or for restoration and rehabilitation of the land no longer suitable for continuing quarrying operations or for stabilizing / landscaping the overburden dumps.

(ii) Details regarding storage of overburden waste rock.-

(a) The overburden, waste rock and non-saleable mineral generated during quarrying operations shall be managed to stack separately in properly formed dumps on grounds earmarked in approved environment management plan;

(b) The over burden dump shall be properly secured to prevent the degradation of the surrounding land or silting of water courses;

(c) Wherever possible, use such waste rock or overburden or other rejects for back filling the worked out quarry or mine where mineral has been recovered up to the optimum depth as suggested by the competent authority with a view to restore the land to its original use or desired alternate use. Where the backfilling is not feasible, the waste dumps shall be scientifically vegetated by suitable native species to prevent erosion and surface run off; and

(d) The maximum height of the already existing waste dumps shall not exceed 5 meters at each terracing with a slope of 45 degree and it shall be protected by toe wall of rubble stones all along to prevent the runoff/creep.

(iii) Details regarding Reclamation and Rehabilitation of lands. - (a) Restoration, reclamation and rehabilitation of land affected by quarrying operations shall be undertaken in a phased manner so that work is completed before the conclusion of quarrying operations and the abandonment of the quarry with a view to leave a productive and sustainable site.

(b) In case of sand quarrying the following shall be included,-

(1) necessary embankment rehabilitation measures shall be implemented to achieve river bank stability.

(2) reclamation and rehabilitation of river bed affected by quarrying operations shall be undertaken in a phased manner so that work is completed before the conclusion of Quarrying operations and the abandonment of the quarry.

(iv) Details regarding precaution against air pollution. - air pollution due to dust, exhaust emissions or fumes during quarrying or processing operations for mineral and related activities shall be controlled and kept within permissible limits as specified under any environmental law for the time being in force. Main haulage roads of quarry shall be kept wet by sprinkling of water or make metal road to avoid dust.

(v) Details regarding discharge of effluents. - all details regarding precautions to prevent or reduce to a minimum, the discharge of toxic and objectionable liquid effluents from quarry, workshop or processing plant, into surface or ground water bodies and usable lands. These effluents shall conform to the standards laid down in this regard.

(vi) Details regarding precaution against noise. - noise arising out of quarrying and processing operations for mineral at the source shall be controlled so as to keep it within the permissible limit;

(vii) Details regarding restoration of flora. - (a) effective measures shall be taken for plantation in the area earmarked in environment management plan of the cluster in area earmarked in environment management plan, subject to the norms specified by the Environment Department.

(b) the earmarked site(s) for plantation shall be fenced and proper planning of watering and caring the plants shall be implemented. The same shall be looked after during the subsistence of the cluster;

(c) suitable trees shall be planted along cluster boundary, on both sides of the major roads, near site office of the mine and over the inactive dumps by individual or cluster association;

(d) the lessee / licensee / permission holder shall not cut or injure any tree in area of his lease / license / permission without the previous sanction in writing of any officer authorized in this behalf under any law in force;

(e) take all precautionary measures during quarrying operation for conservation and protection of endangered flora and fauna.

(viii) Details regarding water management. - (a) accumulated non-potable rain water shall be dewatered and diverted to nearby pond / aquifer / river / nallah, catchment area by providing

suitable pipe line or drains or link canals or water harvestings, as the case may be without harming the environment.

(b) If quarry depth intercepts the ground water table, necessary consultation be made with Central Ground Water Board / State ground Water Department and implement such of the suggested remedial measures thereof.

8X. Periodical examination of air, water and noise pollution after sanction. - periodical examination of air, water and noise pollution after sanction of quarry lease/license/working permission shall be monitored by the concerned regional officer of the State Pollution Control Board and results shall be intimated to concerned Regional Environment Management Committee at least once in six months.

8Y. Duties and Obligations of lessee/licensee/permission holder. - (a) the quarry workers shall be provided with safety equipments;

(b) the quarry workers shall be provided with blasting shelters, along with sirens if necessary, Flags, rest shelters and with a portable drinking water.

(c) regular health check up camps for the workers engaged in quarry shall be organized and maintain First Aid Kit at the quarry site;

(d) occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed;

(e) no bonded and child labours shall be engaged in quarry workings.

(f) exhibit social responsibility towards local needs.

6. Amendment of rule 9. - In rule 9 of the said rules,-

(a) in sub-rule (2-A), for the words "by a further period till the state government passes orders thereon." the words "till a period not exceeding one year from the date of expiry of the lease held and shall be treated as lapsed from thereof. The lessee shall stop the quarry activities forthwith." shall be substituted.

(b) after sub-rule (2-A), the following shall be inserted, namely:-

"(2-B) where the application for renewal has been received after the period specified in sub-rule (2), it shall be considered on the payment of the penalty specified below, namely:-

Sl.No	Period of delay	Amount of penalty
1.	Up to one month	10% of the existing annual dead rent subject to a minimum of Rs.5000.00
2.	Up to three months	15% of the existing annual dead rent subject to a minimum of Rs. 7500.00
3.	Up to 6 months	20% of the existing annual dead rent subject to a minimum of Rs 10000.00
4.	More than 6 months but before expiry of lease	25% of the existing annual dead rent subject to a minimum of Rs 15000.00

Provided that any renewal applications received after expiry of the above period shall be rejected."

7. Amendment of rule 12. - In rule 12 of the said rules,-

(i) in sub-rule (1), clause (v) shall be omitted;

(ii) after sub-rule (1), the following shall be inserted, namely:-

"(1A) notwithstanding anything contained in sub-rule (1) except clause (i) of sub-rule (1), if any individual or societies of the scheduled castes and scheduled tribes has applied over the same area, the preference shall be given to the extent of fifteen percent of quarrying leases to the scheduled castes and three percent of quarrying leases to the scheduled tribes. For this purpose, a roster of thirty three grants for one cycle shall be taken into consideration, where no.1, 7, 14, 21 and 27 are reserved for scheduled castes and no.2 is reserved for scheduled tribes and remaining shall be to other than scheduled castes and scheduled tribes."

8. Insertion of rule 15A. - After rule 15 of the said rules, the following shall be inserted, namely:-

"15A. Minimum area for quarrying lease to be granted.- (1) no quarry lease shall be granted or renewed to quarry specified minor minerals with the extent not less than the extent specified in Schedule-IIA.

(2) nothing in this rule shall apply for the existing quarry leases till the date of expiry.

Provided that the State Government may, if it is satisfied on the basis of proposed production level, geological or topographical conditions and for the reasons to be recorded in writing, grant or renew a lease over an area less than minimum area specified in schedule IIA."

9. Amendment of rule 18. - In rule 18 of the said rules, in sub-rule (1), for the words "three months" the words "six months" shall be substituted.

10. Insertion of rule 19-B and 19-C. - After Rule 19-A of the said rules, the following shall be inserted, namely:-

"19-B. Amalgamation of Quarry Leases. - (1) The Competent authority may, in the interest of mineral development and to facilitate scientific and mechanized quarrying, amalgamate two or more adjoining existing quarry Leases/Licenses that are held separately by same person/ company/ firm/ corporation/ association which are going to become contiguous after amalgamation on an application along with fee of rupees five thousand.

(2) On receipt of such application, the competent authority may issue a notification to effect amalgamation and an amalgamated Lease deed shall be executed, subject to the total extent of the lease not exceeding the stipulated limits specified in rule 15 and 25.

(3) The period of amalgamated leases shall be co-terminus with the period of the existing leases.

19-C. Status of grant/ Quarrying Lease on death of the applicant/ lessee/licensee: -

(1) Where an applicant for the grant of a quarrying lease/license dies before the order granting him the quarrying lease, the applicant for the grant of a quarry lease shall be deemed to have been made in favour of his legal representative.

(2) In the case of an applicant in respect of whom an order granting a quarrying lease is passed but who dies before the execution of deed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

(3) Where a lessee dies during the currency of lease, the quarry lease deed shall be deemed to be executed in the name of his/her legal representative of the deceased till the expiry of the lease held upon by an order of the competent authority in this regard."

11. Amendment of rule 21. - In rule 21 of the said rules,-

(a) In sub rule (2-A), for the words "for a further period," the words "only for a period not exceeding one year from the date of expiry of the lease held and shall be treated as lapsed from thereafter the lessee shall stop from continuing the quarry activities" shall be substituted.

(b) in sub-rule (2-B), after the words and figures "Chapter IV-B" the words and figures "and Chapter II-A" shall be inserted.

(c) after sub-rule (2), the following proviso shall be inserted, namely,-

"Provided further where the application for renewal has been received after the period prescribed in sub-rule (2), it shall be entertained on the payment of the penalties specified below,-

Sl.No	Period of delay	Amount of penalty
1.	Up to one month	10% of the existing annual dead rent subject to a minimum of Rs.2000.00
2.	Up to two months	15% of the existing annual dead rent subject to a minimum of Rs. 3000.00
3.	More than 2 months but before expiry of lease	20% of the existing annual dead rent subject to a minimum of Rs 4000.00

Provided that any renewal applications received after expiry of the above period shall be rejected."

12. Amendment of rule 23. - In rule 23 of the said rules,-

(a) After sub-rule (2), the following shall be substituted, namely,-

"(2A) notwithstanding anything contained in sub-rule (2), if any individual or societies of scheduled caste and scheduled tribe has applied over the same area, the preference shall be given to the extent of fifteen percent to the scheduled caste and three percent to the scheduled tribe. For this purpose a roaster of thirty three grants shall be taken into consideration for one cycle, where no.1, 7 and 14, 21 and 27th are reserved for

schedule caste and no.2 is reserved for schedule tribe and remaining shall be to other than scheduled castes and scheduled tribe."

(b) clause (v) of sub-rule (2) shall be omitted.

(c) In sub-rule (3), for the words and figures "Categories (i), (ii) or (iii) of sub-rule (2)" the words and figures "Categories (iii) and (iv) of sub-rule (2)" shall be substituted.

13. Amendment of rule 25. - In rule 25 of the said rules, in sub-rule (1), the following shall be inserted at the end, namely:-

"Provided that for person/company/firm having established manufacturing sand (M-Sand) in the State, the maximum area for grant or renewal shall not exceed fifty acres."

14. Insertion of rule 25A. - After rule 25 of the said rules, the following shall be inserted, namely:-

"25A. Minimum area for quarrying lease to be granted.- (1) No quarry lease shall be granted or renewed to quarry non-specified minor minerals with the extent not less than the extent specified in Schedule-IIA.

(2) Nothing in this rule shall apply for the existing quarry leases till the date of expiry."

15. Amendment of rule 26. - In rule 26 of the said rules,-

(a) In sub-rule (1) after the proviso, the following shall be inserted, namely.-

"Provided further that where the request for grant of quarrying lease is in respect of manufacturing sand (M-Sand) units belonging to the individual/company/firm, the lease may be granted for a period not exceeding twenty years."

(b) In sub-rule (2) after the proviso, the following shall be inserted, namely:-

"Provided further that, if the lessee is owner of manufacturing sand (M-Sand) unit which is based on the quarry lease held by him, the lease may be renewed for twenty years at a time."

16. Amendment of rule 30. - In rule 30 of the said rules,-

(a) In sub-rule (1),- (i) for the words "within three months" the words "within six months" shall be substituted; and

(ii) the words "not exceeding three months" shall be omitted.

(b) after sub-rule (3), the following shall be inserted, namely:-

"(4) If any mineral, major or minor, not specified in the lease is discovered in the leased area,- the lessee shall stop quarrying operations forthwith and shall report the discovery within thirty days of its discovery to the concerned officer in-charge of the District and shall not undertake any quarrying Operations till an order is passed by the competent authority in this regard.

Provided that the Officer in-charge of the district shall stop issuing permits and report the matter to the District Taskforce Committee and the Director as the case may be.

(5) The Lessee shall have preferential rights over the mineral so discovered if it is minor mineral.

(6) The Lessee shall submit the application before concerned competent authority of the mineral so discovered within ninety days of its discovery and competent authority shall:

(a) If discovered mineral is non-specified minor mineral, place the matter before District Taskforce committee and include the new mineral in the lease deed and allow the holder of lease to carry out quarrying operations subject to submission of necessary approved modified quarry plan and approved modified Environment Management Plan.

(b) If discovered mineral is specified minor mineral, place the matter before the committee constituted under rule 11 and sanction the lease subject to submission of necessary approved modified quarry plan and approved modified Environment Management Plan.

(7) The grant of permission for mineral so discovered shall be subject to the minimum area stipulated for grant of minor minerals in schedule IIA and necessary clearances from the concerned authority.

(8) The Lessee shall have first right of refusal for the grant of lease in respect of mineral so discovered.

Provided that, if any cancellation or refusal of the applications are made, the area shall be notified under rule 8A and be disposed accordingly."

17. Amendment of rule 31. - In rule 31 of the said rules, in sub-rule (1) for the figures and letters "8, 19,19A", the figures and letters "8,8C to 8U, 8W, 8X,8Y,19, 19A, 19B, 19C" shall be substituted.

18. Amendment of rule 31-R.- In rule 31-R of the said rules,-

(i) after the words, "sand monitoring committee" the words "(hereinafter referred as the district committee)" shall be inserted;

(ii) in sub-rule (1),-

(a) in clause (3) for the words "The police officer incharge of the district" the words "The Police Commissioner and the Superintendent of Police incharge of the district" shall be substituted;

(b) for clause (8), the following shall be substituted, namely:-

"(8) The Assistant Commissioner of the respective sub-division -member".

(iii) in sub rule (1), the following shall be inserted at the end, namely:-

"Note.-The chairman of the committee may invite any officer or other knowledgeable person on the subject, to be the member, depending on the specific issues."

(iv) after sub-rule (1), the following shall be inserted, namely:-

"(1A) There shall be a Taluk Sand Monitoring Committee (hereinafter referred as taluk committee) consisting of following namely:-

(i)	Assistant Commissioner of respective sub division	- Chairman
(ii)	Tahsildar of the respective Taluk	- Member
(iii)	Executive Officer of concerned Taluk Panchayat	- Member
(iv)	Concerned Inspector of Police / Sub-Inspector of police	- Member
(v)	Assistant Executive Engineer/ Assistant Engineer, PWD	- Member
(vi)	Range Forest Officer of the concerned range	- Member
(vii)	Taluk Social welfare officer	- Member
(viii)	Concerned Revenue Inspectors, Revenue Department	- Member
(ix)	Concerned P.D.O's/ Secretary of the concerned sand bearing Panchyaths	- Member
(x)	Geologist, Dept. of Mines and Geology	- Member Secretary.

The chairman of the committee may invite any officer or other person to be the member depending on the specific issues and one third numbers shall be the quorum for the meetings.

(1B). Powers and functions of the District Sand Monitoring Committee:- The District Committee shall exercise the following powers and perform the following functions, namely:-

The District committee shall meet

(i) at least once in two months.

(ii) shall notify the sand blocks after recording the recommendations of the Taluk sand monitoring Committee in the official Gazette and on the notice board of the office of the Deputy Commissioner and Tahsildar concerned.

(iii) the Deputy Director or Senior Geologist, as the case may be, in the district shall submit quarrying plan and Environment Management Plan prepared by Recognized Qualified Person (RQP) for Environmental Clearance to the approving authority on behalf of the Chairman, the District Committee after notification of sand blocks with necessary assistance from the District Environmental officer, KSPCB.

(iv) examine and approve by a resolution, the recommendations of the Taluk Committee on sand blocks reservations in accordance with rule 31 T.

(v) on obtaining environmental clearance and reservation of blocks the Executive Engineer, Public Works Department in the District shall proceed with the tendering process and deal with the extraction, transportation, storage and disposal at the rate fixed by the District Committee through Mineral Dispatch Permit.

(vi) dispose the sand at the rates as fixed by the District Committee from time to time.

(vii) fix the sand sale price per cubic meter considering the Royalty, taxes if any, expenses towards extraction, transportation, storage and disposal of sand, expenses towards consultation fee for RQP, Environment Management Fee, district administrative charges and any other unforeseen expenses by a resolution from time to time.

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(viii) the sand sale price shall be fixed for each sand block, group of blocks, taluk depending on quality and other parameters as the case may be. However, the maximum price fixed for sand in district or taluk shall not be considered as base price for price fixation.

(ix) take necessary steps to regulate illegal sand mining, transportation, storage through members and Taluk Committees.

(x) may by an order delegate such powers to their subordinate officers;

(xi) take decisions to dispose the sand blocks in accordance with the provisions of rule 31 U by recording the reasons.

(xii) allocate on discretion such quantity of sand for the purposes of Government works on par with the sale rates fixed.

(xiii) follow the orders and guidelines issued by the Government;

(1C). Powers and functions of the Taluk Sand Monitoring Committee:- The Taluk committee shall exercise the following powers and perform the following functions, namely:-

The taluk committee shall

(i) meet once in a month at place of convenience;

(ii) conduct field inspections and estimate quarriable sand available in each block.

(iii) assist District Committee to obtain environmental clearance by providing necessary documents.

(iv) identify sand resources of each block of not less than ten acres with the assistance of Officers of Revenue, Public Works Department, Mines and Geology and KSPCB. The blocks shall be identified considering the approachability to the blocks by duly mentioning the Co-Ordinates in the certified sketch.

(v) submit its reports to District Sand Monitoring Committee with documents and recording clear recommendations along with the quantification of quarriable sand resources.

(vi) reserve the sand blocks forwarded by District Sand Monitoring Committee through lottery system, to be earmarked for individuals and societies of SC/ST after due clearance from Regional Environmental Committee/ SEIAA/MoEF as the case may be.

(vii) supervise and monitor all sand Quarrying blocks in accordance with the provisions of these rules and also in consonance with environmental clearance statutes.

(viii) enforce laws and regulate illegal sand mining, transportation and storage with the assistance of members and its sub-ordinate officers authorised by district committee.

(ix) recommend any other matter necessary to implement these rules.

(x) seize and dispose the illegal sand as specified in sub-rule (5) of rule 31U at the rate not less than the approved rates of district committee from time to time.

(xi) do such other matters, assigned by the District Sand Monitoring committee from time to time."

(v) for sub-rule (2), the following shall be substituted, namely:-

"(2) The District Committee shall notify the sand blocks identified by the taluk committee having approved quarry plan/simplified quarry plan for the information of general public and obtain environmental clearance thereof."

(vi) for sub-rule (3), the following shall be substituted, namely:-

"(3) Public Works Department in the District shall deal with the sand extraction: transportation, storage and disposal through mineral dispatch permit at the rates specified by the District Committee from time to time and apportion the proceeds in accordance with sub-rule(7)."

(vi) in sub-rule (4), after the words "with computer facilities" the words "and necessary infrastructure", shall be inserted.

(vii) for sub-rule (7), the following shall be substituted, namely:-

"(7) The taxes if any and the seventy five percent of the royalty collected shall be credited to the consolidated fund of the State. The district administrative charges, Environmental Management Fee, component of consultation charges of RQP and remaining twenty five percent of the royalty shall be credited to the Corpus Fund out of which the component of royalty shall be released to the concerned Gram Panchayat through Zilla Panchayat. All remaining sand sale proceeds shall be kept in a separate account of the Chairman of the District committee to meet the expenditure relating to sand extraction. The balance amount after reconciliation shall be credited to the consolidated fund of the state once in a month.

Provided that in case the sand deposits are located between one or more district limits, the sharing of royalty between the districts shall be subject to the decision of Regional Commissioner concerned."

(viii) in sub-rule (8), for the words "Manufacturing of" the words "Mining, generation, production, storage and sales of" shall be substituted.

(ix) in sub-rule (10), after the words "The public works department" the words "and the transport department" shall be inserted.

(x) for sub-rule (11), the following shall be substituted namely:-

"(11) Use of JCB/Dredger and Mechanized boats in sand Quarrying is prohibited throughout the state.

Provided that the loading equipments like dumpers, tractor mounted loaders may be used on the river banks, only for loading without destabilizing the river banks."

(xi) for sub-rule (12), the following shall be substituted namely:-

"(12) The District Committees and Taluk Committees shall regulate, monitor and take legal action against any contravention of these rules. All the members of the District and Taluk Committee and the subordinate officers of the member departments authorized by the District committee may exercise the powers under section 4(1) (1A), 21 and 22 of the Mines and Mineral (Development and Regulation) Act 1957 and sub rule (3) of Rule 43 and file a complaint with jurisdictional court."

(xii) after sub-rule (14), the following proviso shall be inserted namely:-

"Provided, that the State Government on the recommendation of the District Committee may allow transportation of sand across the border to other State."

(xiii) in sub-rule (15), for the words "and within 500 meters in the river bed on either side of bridges" the words "However, permission may be given by District Committee by recording the reasons to allow smooth flow of water and desiltation within these restricted zones." shall be substituted.

(xiv) in sub-rule (18) for the words "guidelines of Department of Mines and Geology" the words "Integrated Lease management System (ILMS) adopted by the Department of Mines and Geology." shall be substituted.

(xv) after sub-rule (18), following shall be inserted, namely:-

"(19) No sand quarrying shall be granted for an area having less than 10 acres extent without approved quarry plan. However the blocks having less than 10 acres can be granted with approved simplified quarry plan, if the implementation of Environment Management Plan is in cluster approach.

(20) No sand quarrying shall be permitted in contravention of environment impact assessment notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time and without approved quarrying plan / simplified quarrying plan and environmental clearance issued by approving authorities.

(21) Sand quarrying Permission shall be for a period of two years, which is inclusive of Non-Quarrying periods like rainy season, flood or any natural calamities for which no extension is allowed.

(22) Premature surrender of permissions granted for quarrying of sand is allowed subject to review, ascertaining completion of all necessary protective measures and its acceptance by the District Monitoring Committee with no compensation.

(23) The sand Quarrying and transportation is allowed from 6 AM to 6 PM only.

(24) Nothing in this chapter shall apply for disposal of any derivatives and associated minerals generated in sand quarrying.

(25) There shall be levied and collected by public works department, the district administrative charges of rupees twenty per cubic meter and Environmental Management Fee of rupees ten per cubic meter of the sand disposed and be credited to corpus fund."

19. Insertion of rule 31S.- after rule 31R of the said rules, the following shall be inserted, namely,-

"31S. Constitution Of Corpus Fund:- (1) There shall be constituted a Corpus Fund by the Government to be maintained by each District Sand Monitoring Committee. The Corpus Fund shall have the following receipts, namely:-

(a) The district administrative charges collected under sub-rule (25) of rule 31R;

(b) The Environmental Management Fee collected under sub-rule (25) of rule 31R;

(c) Twenty five percent of the royalty collected for release to concerned Zilla Panchyats under sub-rule (7) of rule 31R;

(d) Component of expenses towards consultation charges of recognised qualified person(RQP)under sub-rule (7) of rule 31R;

(2) After approval of the District or Taluk committee, as the case may be, the Corpus Fund shall be utilized for the following purpose namely:-

(a) Consultation charges for Recognised Qualified Person to prepare quarry plan, Environment Management Plan.

(b) expenses towards regulatory efforts of all minor minerals, Use of man power and machineries for that purpose, logistics of mobile squads and any unforeseen expenses incurred thereof.

(c) expenses towards implementation of rehabilitation and reclamation and environmental safeguard measures of sand quarry.

(3) The accounts of Corpus Fund shall be maintained in accordance with the Karnataka Financial Code. The Accounts of all receipts and expenditure of Corpus Fund shall be maintained in double entry system by Public Works Department.

(4) The Monthly transaction report and monthly reconciliation statement shall be certified by the Chairman or his authorized officer.

(5) The Accounts of Corpus Fund shall be subject to annual audit by state accounts department and the audit report shall be forwarded annually to the state Government.

31T. Reservation of the Sand Blocks.- (1) after obtaining environmental clearance, for the purpose of earmarking blocks for persons belonging to scheduled castes and scheduled tribes, the taluk committee shall determine the reservation of blocks for scheduled castes and scheduled tribes by rotation. For this purpose the roaster for reservation shall contain 33 points out of which 1, 7, 14, 21, 27th point shall be reserved for scheduled castes and 2nd point shall be reserved for scheduled tribes and remaining points shall go to the persons other than scheduled castes and scheduled tribes.

Provided that the individuals shall have to possess BPL or NREGA Job card along with caste certificate in respect of SC or ST to claim the reservations.

Provided further that the Societies shall consist minimum 75 percent of its members belonging to the respective category to claim the reservations. The societies shall be registered under Karnataka Co-operative Societies Act 1959 and relevant registration rules.

(2) The District Committee may reserve any of the blocks for the projects undertaken by the State Government or Central Government or their undertakings by recording the reasons.

(3) If no person belonging to scheduled castes and scheduled tribes applies in response to the reserved blocks, such blocks may be disposed to a person belonging to general category and it shall be treated as backlog and that short fall shall be made good in future allotment.

(5) Minimum quantity of sand can be earmarked for the requirement of bonafide domestic purposes within the limits of sand bearing villages and shall be made available by collecting half of the cost of the mineral, subject to decision of the District Monitoring Committee.

31U. Disposal of Sand Blocks.- (1) Public Works Department shall tender all sand blocks for extraction, transportation, storage and disposal of sand.

(2) Any of the non-responsive blocks shall be disposed by the committee as per the provisions of this rule by recording the reasons.

(3) Sand found to be stored illegally/ unloaded from overloaded sand transporting vehicle, shall be confiscated in presence of any two members of the Committees through a mahajar and be handed over to the jurisdictional Assistant Executive Engineer, PWD or to his representative who in turn dispose on the prevailing rates with Mineral Dispatch Permit by local sales and shall apportion the proceeds in accordance with sub-rule (7) of rule 31R.

(4) The district committee shall dispose the blocks reserved in sub-rule (2) of rule 31T to the project undertaken by the department of State or Central Government or undertakings of State or Central Government for which such reservations are made at the sale price fixed by the district committee in this regard.

(5) In case of exigencies, the district committee shall entrust the extraction, storage, transportation and disposal of sand to any Government undertakings and organizations.

Notwithstanding anything contained in these rules, nothing in this chapter shall apply for sand quarrying within the area of Coastal Regulation Zone (CRZ) in Coastal districts

and shall be disposed in accordance with the Official memorandum issued by Ministry of Environment and Forests, Government of India No11-83/2005-IA-III (vol.III) dated 08.11.2011 and as amended from time to time.

Provided further that the rule 8(1-A) shall apply mutatis mutandis for sand quarrying in Coastal Regulation Zone (CRZ)."

20. Amendment of rule 32. - In rule 32 of the said rules, after sub-rule (1), the following new sub-rule shall be inserted, namely:-

"(1A) The minimum area that may be granted under this chapter for quarrying minor minerals in private or Patta lands including ex-Mysore state territory shall be in accordance with schedule IIA.

Provided that no quarrying of minor mineral under this chapter shall be allowed in contravention of Environment Impact Assessment Notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India, as amended from time to time."

21. Amendment of rule 34. - In rule 34 of the said rules, in sub-rule (8), after the words "Chapter II", the words "Chapter II-A" shall be inserted and after the figures "19" the figures and letters "19A, 19B, 19C" shall be inserted.

22. Amendment of rule 42. - In rule 42 of the said rules,-

(a) In sub-rule (1), for the words "Computerized Mineral Dispatch Permit in Form-MDP(A) issued under this rule by the Competent Authority or any other officer authorised by the state Government or the Director." the words "Computerized Mineral Dispatch Permit in Form-MDP(A) generated in electronic form (e-Permit or m-Permit) by the license/lease holder or his authorized person and issued using Special Security Permit Paper (SSPP) sheet obtained from the Competent Authority or any other officer authorised by the Director.", shall be substituted.

(b) In sub-rule (2), for the words "shall apply in Form-AP along with rupees fifty as processing fees for each MDP/Trip sheet for specified or non-specified minor mineral to the concerned competent authority for issue of permit (2) Any person desiring to transport minor mineral shall, after payment of royalty apply in form-AP to the concerned Competent Authority for issue of a permit." the words "shall after payment of royalty apply in Form-AP to the concerned Competent Authority in electronic form along with rupees fifty as processing fees for each Mineral Dispatch Release Order (MDRO) for specified bulk quantity of specified or non- specified minor mineral intended to transport.", shall be substituted.

(c) In sub-rule (3), for the words "entitled for a permit, it may issue a permit in Form-MDP." the words "entitled for a MDRO, it may issue a MDRO in Form-MDRO and enable the lease holder to generate CMDP's. However the validity of such MDRO shall be thirty days." shall be substituted.

(d) For sub-rule (4), the following shall be substituted, namely,-

"(4) The Computerized Mineral Dispatch Permit shall be generated in electronic form and issued by lease holder or his authorized person using SSPP sheet obtained from Competent Authority on the basis of One Permit for One vehicle."

(e) For sub-rule(5), the following shall be substituted, namely,-

"(5) The validity of CMDP's issued by lease holder or his authorized person shall be One hour for each Ten kilometer of distance or fraction thereof from the date of issue:

Provided that the competent authority of the concerned district may, on a written request by the holder of permit and after such enquiry as it deems fit renew the permit and in case of mineral in transit, the concerned jurisdictional competent authority may renew subject to collecting processing fee and SSPP sheet fee, if any upon recording the reasons and issue fresh CMDP."

23. Amendment of rule 47. - In rule 47 of the said rules,-

(a) In sub rule (1), before the words "by an officer authorised" the words "with the permission of district task force committee" shall be inserted.

(b) After sub rule (2), the following shall be inserted, namely,-

"(3) Nothing in this chapter shall apply for disposal of seized or confiscated ordinary sand. The disposal of ordinary sand shall be by local sales in accordance with provisions of sub-rule (4) of rule 31U."

24. Insertion of Schedule IIA.- In the said rules, after Schedule II, the following Schedule shall be inserted, namely,-

"SCHEDULE II A

(See rule 15A, 25A and sub-rule (1A) of rule 32)

Minimum area for grant of quarry lease

Sl. No	Name of the Minor Mineral	Minimum area (In Acres.Guntas)
1.	Ornamental and decorative building stones. As defined under clause (m) of Rule 2	2.20
2.	Felsite and its varieties suitable for use as Ornamental Stones	2.20
3.	Quartzite and sand stone and their varieties suitable for use as Ornamental Stones	2.20
4.	Marble or crystalline Limestone as Ornamental Stone	2.20
5.	Bentonite	1.00
6.	Fullers Earth	1.00
7.	Limestone under title 'Shahabad Stone'	0.20
8.	Limestone (Non-cement)	1.00
9.	Ordinary Building Stones as defined under clause (g) of Rule 2	0.20
10.	Lime shell	1.00
11.	Lime Kankar	1.00

12.	Agate and chalcedony	1.00
13.	Ordinary Sand	10.00
14.	Brick and tile clays	1.00
15.	Steatite used for making house hold articles	1.00
16.	Sandstone used for making house hold articles	1.00
17.	Murram	1.00
18.	All other minor minerals	1.00

25. Amendment of schedule IV. - In the said rules, for schedule IV the following shall be substituted, namely.-

"SCHEDULE IV

[See sub- rule (5) of Rule 51]

Auction Sale Confirming Authorities

Sl. No.	Name of authorised Officers	Maximum Value of auction lot (Rs.)	Confirming Authority
(1)	(2)	(3)	(4)
1.	Tahsildhar having jurisdiction over the Taluk	Up to Rs.5 lakhs	Deputy Commissioner
2.	Assistant Commissioner having jurisdiction over the sub division	Exceeding Rs.5 lakhs not exceeding Rs.10 lakhs.	Deputy Commissioner

3.	Deputy Director/Senior Geologist having jurisdiction over the district	ExceedingRs.10 lakhs not exceeding Rs.25 lakhs	Deputy Commissioner
4.	Joint Director Or any Officer authorised by the Director.	Exceeding Rs.25 lakhs not exceeding Rs.50 lakhs	Director
5.	Director	Exceeding Rs. 50 lakhs	Government

26.Insertion of new form MDRO.- In the said rules, after Form MDP, the following shall be inserted, namely:-

"GOVERNMENT OF KARNATAKA
FORM-MDRO
[See Rules 42(3)]

Date/Time: MDRO Date:

Government of Karnataka
Department of Mines and Geology
MDRO for Trip Sheet (MDP)

MDRO No:
Lease No :
Lease Name:
Address:
Mineral:
Mineral Grade:
Place of Loading:
Route:
Destination:
Total Quantity:
Total Royalty Rs:
PWD fees:
Buyer:
Permit Purpose:
DSC No:
Beneficiation Plant:
TIN No:

Note:
This is a Mineral Dispatch Release Order not valid for the transportation of minerals.

Signature
Deputy Director
District:

By order and in the name of the Governor of Karnataka.

P.S. KANTHRAJ
Deputy Secretary to Government
Commerce and Industries Department